



**CITY OF SUGAR LAND
PLANNING VARIANCE REQUEST APPLICATION**

**Please fill out the following information & return your submittal to the Planning Division,
2700 Town Center Blvd., N., Sugar Land, TX 77479, Attention: Gretchen Pyle**

SUBDIVISION / PROJECT NAME:

APPLICANT: _____

Address: _____

Company: _____

Phone: _____

Fax: _____

Email: _____

OWNER / AGENT:

Contact / Company: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

Type of Variance: (check one) _____ Zoning _____ Subdivision Regulations
Section of Ordinance from which variance is being sought:

Variance Justification: _____

This is to certify that the information on this form is complete, true, and correct and the undersigned is authorized to make this application.

X _____ **Date:** _____
Signature of Applicant

SUBMITTAL REQUIREMENTS: (Zoning)

- **THREE (3) copies of Application**
- **Submittal Fee: \$500 (non-refundable)**
- **THREE (3) copies of site plan or plat, including vicinity map**
- **Address of property owners located within 200 feet**

SUBMITTAL REQUIREMENTS: (Subdivision Regs)

- **THREE (3) copies of Application**
- **Submittal Fee: \$500 (non-refundable)**
- **THREE (3) copies of site plan or plat, including vicinity map**

DEVELOPMENT CODE CRITERIA: ZONING-RELATED VARIANCES

DECISION-MAKING AUTHORITY: Zoning Board of Adjustment (final determination)

SUBMITTED TO: Development Services Dept. / Planning Division

RELATED REQUIREMENTS: Public Hearing and property owner notification within 200 feet radius of the property in question

APPLICABILITY: Corporate Limits

The Zoning Board of Adjustment (after a Public Hearing) is required to consider each case in light of the criteria set forth in Chapter 211 of the Texas Local Government Code and Chapter 2 (Zoning) of the City of Sugar Land Development Code:

- (a) There are special circumstances or conditions applying to the land or Building for which the variance is sought, which circumstances or conditions are peculiar to the land or Building and do not generally apply to land or Buildings in the same zoning district or neighborhood, and that the circumstances or conditions are such that the strict application of the provisions of these regulations would deprive the applicant of reasonable use of such land or Building; and
- (b) The granting of the variance will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located; and
- (c) The granting of a variance is necessary for the reasonable use of the land or Building and is the minimum variance that will accomplish this purpose.
- (d) That literal enforcement and strict application of the provisions of these zoning regulations will result in an unnecessary hardship inconsistent with the general provisions and intent of these zoning regulations and that, in granting the variance, the spirit of these zoning regulations will be preserved and substantial justice done.

DEVELOPMENT CODE CRITERIA: SUBDIVISION-RELATED VARIANCES

DECISION-MAKING AUTHORITY: Planning and Zoning Commission (for recommendation) and City Council (final determination)

SUBMITTED TO: Development Services Dept. / Planning Division

RELATED REQUIREMENTS: Does not require Public Hearing or 200' radius property owner notification

APPLICABILITY: Corporate Limits and Extraterritorial Jurisdiction (ETJ)

The Planning and Zoning Commission is required give a recommendation, and the City Council is required to render a final decision in light of Chapter 212 of the Texas Local Government Code and Chapter 5 (Subdivision Regulations) of the City of Sugar Land Development Code. Section 5-42 of the Subdivision Regulations defines the criteria for the examination of subdivision variances as to conditions to be present for consideration and findings:

Section 5-42A "The following conditions must be present for consideration:"

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
2. The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.
3. The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter.
4. A more appropriate design solution exists which is not currently allowed in this chapter.

Section 5-42B "The City Council may reach a conclusion that a hardship exists if it finds that:"

1. If the applicant complies strictly with the provisions of this chapter, he can make no reasonable use of his property.
2. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public.
3. The hardship relates to the applicant's land, rather than personal circumstances.
4. The hardship is unique to the property, rather than one shared by many surrounding properties.
5. The hardship is not the result of the applicant's own actions.